

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS

CIVIL ACTION

NO.# 04-30202 MAP

DONALD RENKOWIC
PLAINTIFF.

VS.

FRANKLIN COUNTY,
FRANKLIN COUNTY HOUSE OF CORRECTION AND JAIL,
SHERIFF FREDERICK MACDONALD,
SUPERINTENDENT BYRON,
DEPUTY SUPERINTENDENT SHEPERD,
DEPUTY SUPERINTENDENT FRITZPATRICK,
CAPTAIN HILL,
SERGEANT CINDY HAWKINS,
STAFF MEMBER ACCOUNTANT MS. DEFEO.

DEFENDANT

PLAINTIFF'S OPPOSITION TO DEFENDANTS
MOTION TO DISMISS


NOW COMES THE PLAINTIFF DONALD RENKOWIC , PRO SE IN THE ABOVE ENTITLED MATTER HEREBY MOVES THE HONORABLE COURT TO NOT GRANT THE DEFENDANT, FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS MOTION TO DISMISS FOR THE FOLLOWING REASONS ;

- 1) THE DEFENDANT FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS HAS FAILED TO ANSWER THE PLAINTIFF'S COMPLAINT IN A TIMELY MANNER AS PRESCRIBED BY MASS. R.C.P. 12 (a)
- 2.) THE PLAINTIFF HAS SENT THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY TWO LETTERS ON DIFFERENT OCCASSIONS ONE ON AUGUST 14, 2003, AND ON MARCH 1, 2004, FOR VIOLATIONS THAT HAD OCCURRED AT HAMPSHIRE COUNTY HOUSE OF CORRECTIONS AND JAIL BOTH REPLIES STATE THAT THE MATTERS ARE NOT UNDER MASSACHUSETTS DEPARTMENT OF CORRECTIONS JURISDICTION AND THAT IT BE UNDER THE SHERIFF'S JURISDICTION (COUNTY)

- 3) THE PLAINTIFF HAD SENT A LETTER TO THE HAMPSHIRE COUNCIL OF GOVERNMENTS, COUNTY COMMISSIONER OFFICE AND THEIR REPLIES WERE THE OPPOSITE OF WHAT HE RECEIVED FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY WHICH WAS THAT THE RESPONSIBILITY LIES WITH THE COMMONWEALTH OF MASSACHUSETTS.
- 4) THE PLAINTIFF CONTENDS THAT THE CORRECTIONAL FACILITIES, FRANKLIN COUNTY HOUSE OF CORRECTION AND JAIL, AND THE HAMPSHIRE COUNTY HOUSE OF CORRECTION AND JAIL, ARE IN FACT UNDER THE COUNTY REGULATIONS AT ALL TIMES AND NOT UNDER THE STATE REGULATIONS THEREBY MAKING IT THE COUNTIES JURISDICTION OR THE COUNTIES RESPONSIBILITIES FOR THE ACTIONS TAKEN BY THE SHERIFF AND HIS EMPLOYEE'S
- 5) UNDER THE FRANKLIN REGIONAL COUNCIL OF GOVERNMENTS, ENABLING ACT, 151 ACTS 96, SECTION 567, AS AMENDED PAGE 3, PARAGRAPH (J) STATES IN THE SECOND PARAGRAPH THAT THE SHERIFF SHALL REMAIN AN ELECTED OFFICIAL RETAINING LOCAL ADMINISTRATIVE CONTROL UNDER THE GENERAL DIRECTION OF THE EXECUTIVE OFFICE OF PUBLIC SAFETY.

SINCE PLACING THE SHERIFF AS A STATE EMPLOYEE AND LEAVING HIM IN LOCAL ADMINISTRATIVE CONTROL OF THE COUNTY AND THE FRANKLIN COUNTY HOUSE OF CORRECTION AND JAIL, THEN THE COUNTY AND STATE ARE RESPONSIBLE FOR THE SHERIFF'S AND HIS OFFICERS ACTIONS INCLUDING THE VIOLATIONS OF COUNTY REGULATIONS AND THE WELL BEING OF ALL PRISONERS ALONG WITH THE MAINTENANCE OF SUCH BUILDINGS OR HOUSING UNITS OF SUCH INMATES OR PRISONERS.

DATE ; 12/10/07


DONALD RENKOWIC, PRO SE.
160 ELM ST.
GREENFIELD, MASS. 01301.

CERTIFICATE OF SERVICE

I Donald Renkow, PRO SE, HEREBY CERTIFY THAT ON THIS
10th DAY OF December 2004, I HAVE SERVED THE FOREGOING
DOCUMENTS BY MAILING FIRST CLASS, POSTAGE PREPAID, A TRUE COPY
OF SAME TO THE DEFENDANTS, AND THEIR ATTORNEY, AT THE
FOLLOWING ADDRESSES;

MacNicol, Tombs, Bawn
393 main ST PO Box 985
Greenfield Mass
01302-0985


DONALD RENKOWIC, PRO SE